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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/046,527

01/14/2002

Bastien Massie

P-6398

3457

7590

11/01/2005

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EXAMINER

ROBERTS, BRIAN S

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/046,527	<b>Applicant(s)</b> MASSIE ET AL.	
	<b>Examiner</b> Brian Roberts	<b>Art Unit</b> 2662	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/14/2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/25/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

- Claims 1-28 have been examined.

### ***Specification***

1. The abstract of the disclosure is objected to because the phrase "Figure 4" should be removed from the bottom of the abstract. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claim 1

Claim 1 recites the limitation "the blocks" in line 28. There is insufficient antecedent basis for this limitation in the claim. The claim should clearly indicate which blocks the limitation "the blocks" is referring to.

- In reference to claims 3, 5, and 17

The phrase "the transmission of the successive blocks from a data block following a first data block" is unclear.

- In reference to claim 5

Claim 5 recites the limitation "said first data block" in line 18. There is insufficient antecedent basis for this limitation in the claim.

- In reference to claim 9

Claim 9 recites the limitation "the blocks" in line 25. There is insufficient antecedent basis for this limitation in the claim. The claim should clearly indicate which blocks the limitation "the blocks" is referring to.

- In reference to claim 15

Claim 15 recites the limitation "the blocks" in line 18. There is insufficient antecedent basis for this limitation in the claim. The claim should clearly indicate which blocks the limitation "the blocks" is referring to.

- In reference to claim 17

Claim 17 recites the limitation "the blocks" in line 10. There is insufficient antecedent basis for this limitation in the claim. The claim should clearly indicate which blocks the limitation "the blocks" is referring to.

- In reference to claim 19

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Claim 19 recites the limitation "the blocks" in line 10. There is insufficient antecedent basis for this limitation in the claim. The claim should clearly indicate which blocks the limitation "the blocks" is referring to.

- In reference to claim 21

The phrase "or otherwise" in claim 21 is a relative term which renders the claim indefinite. The term "or otherwise" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

- In reference to claim 22

Claim 22 recites the limitation "the blocks" in line 1. There is insufficient antecedent basis for this limitation in the claim. The claim should clearly indicate which blocks the limitation "the blocks" is referring to.

- In reference to claims 2,4,6-8,10-14,16,18,20, and 23-28

Claims 2,4,6-8,10-14,16,18,20, and 23-28 are rejected as being dependent on rejected independent claims 1, 15 and 22.

### ***Allowable Subject Matter***

Claims 1-28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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- In reference to claims 1, 15 and 22

Independent claims 1, 10, and 18 would be allowed because the prior record fails to teach or fairly suggest a method or device where in at least some of the cases when the reception of an identification signal is inconsistent with an acknowledgement signal previously returned, the second unit transmits a restart command signal for restarting transmission of the blocks to the first unit.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Crisler et al. (US 5477550) teaches a method for communicating data using a modified SR-ARQ protocol.
- Darmon et al. (US 5483545) teaches a method of automatically requesting retransmission in a duplex digital transmission system having at least one noisy return channel.
- Haartsen (US 6021124) teaches a multi-channel automatic retransmission query method with a plurality of buffers.
- Raitola et al. (US 6289003) teaches an ARQ protocol where packets are retransmitted until the packet exceeds a predetermined quality value.
- Piirainen et al. (US 6425105) teaches a bidirectional ARQ method.

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- Dunning et al. (US U6683850) teaches a method for controlling flow of data between servers utilizing ACK and NAK messages and assigning packet sequence numbers.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BSR  
10/20/2005

  
JOHN PEZZLO  
PRIMARY EXAMINER